

	<i>L'intersectionnalité des violations des droits humains et les discriminations multiples</i>
	P r o g r a m m e d e r e c h e r c h e / R e s e a r c h p r o g r a m
	<i>The intersectionality of human rights violations and multiple forms of discrimination</i>
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Introduction

The codification of human rights as universal and inalienable in the 1945 United Nations Charter and the 1948 Universal Declaration of Human Rights sets the foundation of the entire UN system of protection of human rights, comprising its human rights treaties and their monitoring mechanisms as well as the mechanisms set up under the UN Charter. Another ground-making development happened at the end of the Second World Human Rights Conference with the adoption of the 1993 Vienna Declaration and Programme of Action, which emphasised the indivisible, interdependent and interrelated nature of all human rights.

Without claiming that such proclamations engendered unanimous understanding and practice among human rights experts, scholars, civil society and international organizations, they have, nonetheless, unquestionably contributed to the clarification of the nature and scope of particular human rights and their correlative system of obligations. In addition, these principles, and in particular the principle of interdependence of human rights, have also served to create new avenues to protect particular human rights. Scholars referred to organic interdependence to depict situations where one right is part of another right, and of related interdependence to illustrate situations where separate rights mutually strengthen each other.

As the techniques for interpreting human rights developed, another dimension of interdependence and indivisibility of human rights challenged monitoring mechanisms, namely the multiplicity of human rights violated in particular situations and the combination of multiple grounds prohibiting discrimination. Existing research has dedicated fewer efforts to understanding the relationship of multiple human rights violations and multiple grounds of discrimination. This project employs theories of intersectionality to uncover the intricate constructions of multiplicity of human rights violations and discrimination in the practice of human rights mechanisms, and to analyse the extent to which such an understanding renders the principles of interdependence and indivisibility of human rights more operational.

This report presents the findings of a two-year long research project funded by the Swiss Network for International Studies. The research was structured to answer two main questions: (1) What forms do multiple human rights violations and multiple discrimination take? (2) How

could the United Nations' human rights protection mechanisms better respond to situations of multiple human rights violations and multiple forms of discrimination?

In answering these questions, the analysis has relied on two main hypotheses, namely: (1) the dominant approach of human rights mechanisms to address human rights violations as singular and discrete phenomena undermines the protection of all human rights; and (2) an intersectional analysis can support an understanding of complex situations which may involve multiple human rights violations, including discrimination based on multiple grounds.

This research benefitted from a dual disciplinary approach which employed both legal and socio-political approaches combining theoretical research and eight case-studies. The case-studies deal with questions related to the following topics: the right to education in rural areas of Burkina Faso, Aboriginal children forcibly removed from their families in Australia, forced eviction of travelling persons in France, female slavery in domestic contexts in Mauritania, journalists in situations of conflict in Sri Lanka, rape as a weapon of war in the Democratic Republic of the Congo, impact of austerity measures on youth unemployment in Greece, and forced sterilization of Roma women in the Czech Republic.

Answers to the two main questions of this research give structure to the present report. The first section analyses the different forms of multiple human rights violations and multiple discrimination. The second section envisages opportunities for UN human rights mechanisms to respond better to situations of multiple human rights violations and multiple discrimination. Aspects regarding the practical application of these results as well as questions which merit further exploration will also be highlighted throughout these two sections. The study concludes with several substantive and policy recommendations.

1. Forms of multiple human rights violations and multiple discrimination

This section describes and seeks to provide an understanding of what multiple human rights violations and multiple discrimination consist of. It relies on in-depth analysis of the practice of the UN human rights mechanisms, the conclusions derived from the eight case-studies, and theoretical perspectives and initiatives to provide new analytical frameworks to multiple human rights violations.

The 1993 Vienna Declaration and Programme of Action unanimously adopted by 171 States codified the principles of universality, indivisibility, interdependence and interrelatedness of all human rights. It stated that "[A]ll human rights are universal, indivisible and interdependent and interrelated. The international community must treat human rights globally in a fair and equal manner, on the same footing, and with the same emphasis" (para 5). The universality, indivisibility and interdependence of human rights lie at the heart of this project together with the understanding that the most intricate human rights violations occur at the intersection with forms of multiple discrimination.

Multiple human rights violations occur when individuals experience breaches of several rights. The concept thus reinforces the principle of interdependence of human rights. In addition to this, depending on the situation in question, the resulting violation may be more than the sum of a number of separate human rights violations. When arguing the violation of multiple human rights obligations, it is important to pay attention to the legal source of those obligations. In some cases, the factual situation itself can be characterized as involving multiple human rights and implicitly the violation of multiple obligations. In other situations, the legal obligations may have different sources: some obligations may derive from human rights norms; others may derive from international standards related to international treaty law and State responsibility. Irrespective of their legal source, when not adequately repaired, such violations entwine in linear or more complex chain reactions, reinforce the victims' suffering and weaken their

capacity to defend their rights, while creating a shield of impunity with regard to the perpetrators, undermining respect for the rule of law, and causing society's loss of legitimacy.

The intersectionality theory developed in the works of Kimberlé Crenshaw serves as a key to disentangle, analyse and interpret these intricate forms of human rights violations. This analytical framework permits to account for several concurring experiences which arise at the intersection of different systems of oppression. This becomes clearer in the practice of the Committee on the Elimination of Discrimination against Women which posits intersectionality as a "basic concept for understanding the scope of the general obligations of State parties contained in Article 2 [of the Convention on the Elimination of Discrimination against Women].

Intersectionality thus understood is a bottom-up approach having the individual experience at its heart. Employing this theory allows for bringing to light experiences that are otherwise hidden by uncovering the structural location of individuals at the crossroad of different socio-economic and institutional systems, and therefore upholding the universality and interdependence of all human rights for all human rights subjects. This approach brings to the forefront particularity without creating exclusivity, or new subjectivities or identities. The categories employed in an intersectional analysis are not formative of new subjects, but rather they become relevant in relation to a system of oppression. Thus, intersectionality permits uncovering what form of oppression individuals are exposed to and to what effects for the enjoyment of their human rights. In this sense, intersectionality is a dynamic process, and not merely additive.

1.1. Multiple and intersectional discrimination

An important dimension of establishing the connections between intersectional human rights violations and discrimination was to establish developments with respect to defining what represents discriminatory treatment. Besides the jurisprudential and scholarly definitions of discrimination along the axes of formal/ substantive discrimination and direct/ indirect discrimination, theory and practice have advanced new perspectives identifying double/ multiple/ compound/ cumulative discrimination, intersectional discrimination, and systemic discrimination. The 2006 UN Convention on the Rights of Persons with Disabilities contains the most prominent recognition of multiple and intersectional discrimination. The Preamble of the Convention acknowledges the "difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status". Furthermore, Article 6 of the same treaty calls on States Parties to "recognize that women and girls with disabilities are subject to multiple discrimination, and in this regard shall take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms".

These new types of discrimination do not challenge the definitions of discrimination as established in several human rights treaties. Acts of distinction, exclusion, restriction or preference based on a number of prohibited grounds which have the effect or purpose of nullifying or impairing the recognition, enjoyment, or exercise, on equal footing, of all human rights amount to discrimination. Multiple discrimination occurs when a person suffers discriminatory treatment based on more than one of prohibited grounds. For instance, the Committee on Economic, Social and Cultural Rights acknowledged that "some individuals or groups of individuals face discrimination on more than one of the prohibited grounds, for example women belonging to an ethnic or religious minority" (Committee on Economic, Social and Cultural Rights, General Comment No. 20).

Multiple discrimination does not refer to those situations where a person suffers repeated acts of discrimination based on a singular prohibited ground. This situation can fall within the incidence of the notion of systemic discrimination. According to the same treaty body, systemic

discrimination refers to contexts of pervasive, persistent and deeply entrenched social behaviour and organization where “legal rules, policies, practices and predominant cultural attitudes in either the public or private sector [...] create relative disadvantages for some groups, and privileges for other groups” (Committee on Economic, Social and Cultural Rights, General Comment No. 20). In other words, persons may claim being victims of systemic discriminatory treatment when acts of discrimination based on one prohibited ground occur in various contexts, such as employment, housing, education, or health care.

When discrimination occurs on the basis of two prohibited grounds, the treaty bodies often refer to the notion of double discrimination. The Committee on the Elimination of Discrimination against Women talks about women with disabilities possibly suffering double discrimination based on sex and disability in relation to their special living conditions (Committee on the Elimination of Discrimination against Women, General Recommendation No. 18). Thus, for instance, with respect to access to education, women with disabilities may suffer discrimination based both on sex and disability. Applying the definition of discrimination to the context of double discrimination the following understanding results: discrimination against women with disabilities means any distinction, exclusion or restriction made on the basis of sex and disability which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women with disabilities, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Frequently, the treaty bodies’ understanding of double or multiple discrimination is premised on the notion that the different prohibited grounds function independently and can be analysed separately from each other. Moreover, the cumulative consideration of two prohibited grounds in the above example, namely sex and disability, highlights two other important aspects. First, the definition implies that acts of discrimination based on two grounds produce a specific impact on the victim. This aspect has been recognized in the practice of other treaty bodies as well. According to the Committee on Economic, Social and Cultural Rights, what distinguishes multiple discrimination from other forms of discrimination is its unique and specific impact on individuals (Committee on Economic, Social and Cultural Rights, General Comment No. 20). The Committee on the Elimination of Discrimination against Women also acknowledges that the discrimination of women based on sex and gender is inextricably linked with other factors that affect women, such as race, ethnicity, religion or belief, health, status, age, class, caste and sexual orientation and gender identity” (Committee on the Elimination of Discrimination against Women, General Recommendation No. 28).

These interpretations translate a logic of intersectional discrimination rather than cumulative multiple discrimination. The Draft General Comment of the Committee on the Rights of Persons with Disabilities on women with disabilities is the instrument that so far captures best the distinctions between intersectional and multiple discrimination. According to the Draft General Comment, “[W]omen and girls with disabilities are often confronted with intersectional discrimination, which means that several forms of discrimination based on various layers of identity may intersect and produce new forms of discrimination which are unique and cannot be correctly understood by describing them as double or triple discrimination. Intersectionality is a form of multiple discrimination” (Committee on the Rights of Persons with Disabilities, Draft General Comment No.6, para 8).

Second, in stressing on the principle of equality of men and women, the definition brings forward the procedural element of the burden of proof. In general, to prove discrimination, the victim needs to demonstrate that she has suffered a difference in treatment short of reasonable justification. In other words, but for the prohibited ground, a person similarly situated would not experience the same treatment. In the context of double/multiple discrimination, proving the particular effect of the conjugation of two or more prohibited

grounds can be especially difficult. In highlighting the principle of equality of men and women, the definition does not state whether the prohibited grounds should be considered in relation only to men, women or both.

The practice of the treaty bodies illustrates the difficulties in understanding how multiple and intersectional discrimination occur. For instance, the Committee on the Elimination of Discrimination against Women recognizes both multiple and intersectional discrimination. However, in trying to explain how intersectional discrimination occurs, the Committee falls on a logic of multiple discrimination rather than intersectional discrimination, because it posits men as the sole comparative agent. The CEDAW Committee states that “[d]iscrimination on the basis of sex or gender may affect women belonging to different groups to a different degree or in different ways to men” (Committee on the Elimination of Discrimination against Women, General Recommendation No. 28).

This logic is different from the analysis provided by the Committee on the Rights of Persons with Disabilities in relation to women with disabilities in that the treaty body establishes not only the inter-group dimension of discrimination, but importantly also its intra-group dimension. This treaty body discusses the particular treatment of women with disabilities in respect of men. The experts recognize that women with disabilities may be imposed more frequently than men substitute decision-makers. Additionally, in relation to women in general, women with disabilities are subjected to high rates of forced sterilization, and are often denied control of their reproductive health and decision-making (Committee on the Rights of Persons with Disabilities, General Comment No. 1).

Thus, the treaty bodies are right to acknowledge multiple and intersectional discrimination, its special impact, and the existence of some inextricable links among individual experiences. However, in fleshing out these aspects lies the essential difficulty of establishing the logic whereby the discriminatory treatment based on multiple grounds takes place. It is important to understand whether the connection among the different grounds rests on an additive or intersectional reasoning. This has incidence on the burden of proof that the plaintiff, in most cases, needs to demonstrate in order to substantiate a claim of discrimination.

These distinctions and difficulties appear not only in the treaty bodies’ guiding instruments, such as their general comments and concluding observations; they also sometimes appear in the experts’ reasoning in dealing with individual communications. The Committee on the Elimination of Discrimination against Women held in a communication concerning a mute and deaf girl that Filipino domestic courts had failed in protecting the victim’s right to a fair trial given, *inter alia*, the absence of free assistance of sign language interpretation, the use of stereotypes and gender-based myths as well as the display of disregard for her specific situation as a girl with disability (Committee on the Elimination of Discrimination against Women, *R.P.B. v. The Philippines*).

Furthermore, the practice of the treaty bodies also indicates that multiple and intersectional discrimination do not necessarily occur as forms of direct discrimination. To the contrary, most often, multiple and intersectional discrimination occur in the form of indirect discrimination and *de facto* discrimination. Legislation whose application indirectly discriminates against certain categories of persons as well as practices, social norms, stereotypes or myths devaluing particular features or persons may result in multiple or intersectional discrimination. Moreover, systemic discrimination can be a component of multiple and intersectional discrimination. For instance, in a context of intersectional discrimination based on sex and race, the dimension regarding racial discrimination can be manifest in several aspects of public and private life.

Bringing to light the potential connection of human rights violations and discrimination requires paying minute attention to what constitutes prohibited grounds of discrimination under each human rights instrument. An analysis of the UN human rights treaties and the practice

developed by the treaty monitoring bodies established therein points out to three types of grounds, namely grounds expressly prohibited by treaty law, grounds included under the category "other status" (age, disability, economic status, status of migrant or refugee, birth status and nationality, marital status, health situation, place of residence, language, or sexual orientation) and grounds not explicitly mentioned but occasionally considered by these mechanisms (physical appearance, poverty, occupation, or belonging to a group).

Most of the treaty bodies have highlighted the special impact that forms of multiple and intersectional discrimination may have on individuals. In some situations, the special impact that multiple human rights violations, multiple and intersectional discrimination produce can be translated into mutually aggravating conditions. This project identified three separate criteria to determine the seriousness of interdependent human rights violations, namely: the degree of impact on the rights of the individual and the extent to which this damage is remediable; the interdependent effect of several intersecting violations; and the number of victims who are directly or indirectly affected. When such a violation contains also a dimension of discrimination, other aggravating criteria may become relevant: the extent to which the breach is justified by invoking a prohibited ground of discrimination; the extent to which the multiple human rights violations and discrimination act as binders and reinforce the interdependent nature of the violations; or the extent to which the grounds of discrimination are employed in a generalized manner leading to systemic discrimination. However, the present analysis, together with the case-studies, indicate that special impact should not be strictly interpreted as aggravated impact. Looking only for aggravating causes and effects may impose additional evidentiary difficulties on the plaintiff.

Considering that, from a legal perspective, decision-makers have at their disposal several techniques to qualify the seriousness of a situation, including establishing aggravating circumstances or creating new violations, it is important to pay particular attention on the legal qualification of concrete facts and their effects on individuals. Additionally, when claiming a certain aggravated effect, it is also relevant to take into account whether the qualification of aggravation is done from the perspective of domestic or international normative instruments. This is important because the requirements and legal consequences deriving from such qualification are distinct depending on the domestic or international normative framework of reference.

The analysis noted that discrimination can contribute in two ways to the constitution of human rights violations. In the majority of situations, discrimination represents a stand-alone violation. However, there are also cases where a finding of discrimination represents a constitutive element of the violation of another right. Such is the case of torture, whose definition in the Convention against Torture refers *inter alia* to any act inflicted intentionally on a purpose for any reason based on discrimination of any kind. In addition to this, this project also recognizes that cultural rights lie at the heart of the indivisible and interdependent human rights system. In this vein, all forms of discrimination constitute attacks against identities, an acknowledgement which emphasizes the crucial role that cultural rights play in the process of deconstructing the grounds of discrimination.

These observations echo the concepts of related and organic interdependence. Furthermore, the Committee against Torture makes another remark which brings interdependence and intersectionality closer together. The treaty body notes that "being female intersects with other identifying characteristics or status of the person, such as race, nationality, religion, sexual orientation, age, immigrant status etc. to determine the ways that women and girls are subject to or at risk of torture or ill-treatment and the consequences thereof" (Committee against Torture, General Comment 2). It highlights that an intersectional analysis helps to describe more concretely not only individual features, but more importantly their relevance within a given social order by "determining the ways" that women and girls are subject to the risk of

torture. The monitoring body also establishes the connection between potential discriminatory treatment and the prohibition of torture, thus revealing an interdependence-based argument.

The Special Procedures of the UN Human Rights Council, on the other hand, not only reiterate the dual approach of the treaty monitoring bodies, but they also carry their analysis a step further. The Working Group on Enforced and Involuntary Disappearances defined disappearances both as a compound of several human rights violations, and as single prohibited acts committed against designated persons on the basis of gender, profession or political opinion (Working Group on Enforced and Involuntary Disappearances, 1981). This is a case of organic interdependence whereby the protection of those rights whose violation may constitute the crime of enforced or involuntary disappearance also contributes to protection against these acts.

1.2. Observations from the case-studies

The case studies have each revealed a number of commonalities which has enabled comparisons to be made around a number of different points; a) The form of the discrimination, oppression or inequality experienced (intersectional, additional, discrete); b) The interdependence between discrimination experienced in one area and its extension to violations of other human rights; c) Responses to violations identified – do they render visible or ignore the intersectional character of the discrimination and/or the multiple rights violated; d) Obstacles and barriers to the recognition of intersectionalities and various degrees of acknowledgment of the impact of these in the analysis as well as through the remedies provided.

The jurisprudential and case-study analyses crystalize a particular understanding of intersectional disadvantage which situates itself closer to the theoretical framework developed by Kimberlé Crenshaw and farther from theories which conceptualize intersectional disadvantage as specific to particular social groups most vulnerable to multiple human rights violations and discrimination.

Like Crenshaw's approach, human rights mechanisms have intuitively developed an understanding of intersectionality which facilitates the following application: it allows for the consideration of multiple experiences; it permits a bottom-up approach in that the individual experience is at the centre of the analysis; it does not create additional identities or subjectivity; it enables taking into account particularity without creating exclusivity or endangering the universality of all human rights for all persons; and it facilitates processes of structurally locating the subject at the crossroad of several socio-economic and institutional systems. What remains an intricate question in practice is how to reframe some complex contexts and intersectional forms of disadvantage into the framework of rights-holders and duty-bearers which is quintessential to the human rights discourse.

Building a new analytical perspective on how to construct/ de-construct intersectional human rights violations and multiple discrimination, this project points out that multiplicity may arise either at the moment of the legal classification of the imputed acts, or at an ulterior moment taking into account responses to the established violations. The analysis also offers an understanding of the causality chain building the multiple, complex character of the alleged acts. Thus, firstly, a multiple human rights violation occurs when individuals suffer from breaches of several rights, and such breaches are not necessarily separate human rights violations, but rather mutually reinforcing violations. In the same vein, multiple discrimination occurs when a person receives differential treatment based on several prohibited grounds. Secondly, taking into account the response to violations and the three-tier legal relationship thus created among the victim, the perpetrator, and society at large, multiplicity may arise as a consequence of failure to provide adequate reparation for the original breach. Such failure creates disempowering effects not only on the victim, but also on society as a whole.

This describes a linear chain reaction to a violation, but multiplicity may arise also in the context of a linear chain accompanied by discrimination (when the damage suffered through a violation becomes ground for unjustified differential treatment), or in a multidimensional context (when the damage caused by one or several violations renders the victim vulnerable to further violations including discrimination).

2. How could the United Nations' human rights protection mechanisms better respond to situations of multiple human rights violations and multiple forms of discrimination?

The human rights mechanisms are reaching the limits of the modular approach they have professed for decades. Addressing the complex situations of multiple human rights and multiple discrimination has proved difficult not only in the current system of norms and standards, but also in the current institutional framework. The arguments that could best explain the current situation and its negative impact on the protection of human rights can be classified in three categories. The difficulties to take into account multiple human rights violations and multiple discrimination may be connected to the lack of unity in the development of the UN human rights system resulting in separate scope and mandate of each of the treaty bodies. Many scholars draw attention to the fact that the fragmented structure of the human rights treaty bodies renders unlikely the prospect of finding coherent responses or "nuanced human rights analysis that would account for multiple forms of human rights abuses, occurring simultaneously" (J. Bond). Although treaty bodies have sometimes cross-referenced each other's practice, fewer efforts have been made to date to align their practice. Additionally, the main obstacle that blocks the consideration of multiple and intersectional discrimination is the single-axis approach whereby in each case discrimination is examined under one ground at a time.

Second, the treaty bodies have jurisdiction over different monitoring mechanisms and follow distinct procedural rules. All the outputs of the treaty bodies need to pass the test of consensus, and therefore the human factor needs also to be taken into account. Even if certain members of the treaty bodies would propose an intersectional analysis of discrimination or other human rights violations, the final text of the recommendations depends on all members' consent.

The rather weak NGO practice coupled with the reluctance to engaging with the intersectionality theory may also be explained by the concern to consolidate jurisprudence on accepted standards. Advances in human rights law rely on established jurisprudence. Achieving this standard requires the reiteration of arguments, principles and decisions. Individuals and organizations cooperating with the treaty bodies may also act with the intent to consolidate established standards. They may also be interested in ensuring a positive result for themselves or the persons whom they represent. The choice between resorting to an accepted standard compared to taking a new path may be a difficult one.

Lastly, the treaty bodies have experienced difficulties with introducing the concept of intersectional discrimination into their work. Keeping within the framework of interpretation permitted under the Vienna Convention on the Law of the Treaties and upholding their legitimacy are matters equally important to the task of advancing the protection of human rights. Questions related to intersectionality were circumvented by reference to gender mainstreaming, even if this narrowed the scope of coverage to issues connected to gender.

Criticism of the theory of intersectionality itself can also be added to the categories of arguments that have held back progress towards the operationalization of the principles of universality, indivisibility and interdependence through the lens of intersectionality. Counterarguments relegating intersectionality strictly to the domain of race and gender and

charging it with the creation of new identities and subgroup categories which undermine the principle of universality of human rights have been rebutted by the practice of the human rights mechanisms.

Nonetheless, these difficulties remain valid concerns, and proposals to enhance the treaty bodies' capacity to uphold human rights in the context of complex human rights violations and multiple discrimination need to undergo several reforms. These proposals have been developed on the basis of the theoretical research, and particularly the case studies undertaken by the project. They include: doctrinal clarifications, structural strengthening, optimization of institutions and procedures, and development of working methods.

2.1. Doctrinal clarifications

Policy and practical recommendations referring to doctrinal clarifications should respond to the fragmented application of common principles, such as the principle of indivisibility and interdependence of human rights, or the principle of equality. Doctrinal clarifications should also be targeted at acknowledging the limits of the principle of non-discrimination, and especially better understanding that the cumulative model of multiple discrimination does not encompass all situations of intersectional discrimination. Not paying attention to the cultural dimension of human rights violations is an element common to a number of the case studies of this project. For this reason, it is important that techniques to take into account cultural diversity are re-evaluated as well.

To tackle these issues, the following steps could be considered. Joint general comments could be developed covering several aspects, such as: the work of the treaty bodies on the principles of universality, interdependence and indivisibility; the complementary aspects of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights; the principle of inclusion offering a richer scope than the prohibition of discrimination and its correlative grounds; or systemic discrimination. Encouraging cross-referencing and addressing situations of intersectional discrimination in the practice of the treaty bodies also constitutes important steps towards substantive consolidation. As to the aspects of cultural diversity, further training and development of capacity of all the treaty body experts on the analysis of positive cultural diversity would facilitate the adoption of recommendations which envision reparation measures that would build on existing local mechanisms, practices and cultural resources.

2.2. Institutional strengthening

Operationalizing the principles of universality, interdependence and indivisibility of human rights and applying an intersectionality-based logic thereto requires a solid institutional and structural framework. Recent efforts to strengthen the system concentrated on increasing session time to absorb the delay in considering governments' periodic reports. For the time being, the treaty bodies do not have enough discussion time among themselves to identify those axes of potential collaboration. The visibility and the level of compliance and follow-up with treaty body recommendations remain weak.

Therefore, the policy and practical recommendations tackling these issues concern the development of a thematic coordination function of the Chairpersons of the treaty bodies, or of other designated members of each Committee, and of shared working strategies, of a methodology of cross-referencing to the jurisprudence of the monitoring bodies, and a rotation strategy for OHCHR staff supporting the treaty bodies that is sensitive of the acquired knowledge and competences of staff. The functions and resources of the OHCHR should also be strengthened, in particular by increasing human resources, in order to conduct more thorough follow-up.

2.3. Optimization of institutions and procedures

Broader institutional and procedural challenges regarding the referral of complex situations of human rights violations to one or another treaty body, the poor coordination among the treaty bodies as well as the reflection of the monolithic approach of the monitoring bodies at the domestic level compromise the implementation of human rights. The theoretical research as well as the case studies illustrated that the lack of progress on the modalities to address complex human rights violations and multiple discrimination is also related to the persistent modular engagement of civil society organizations focusing only on particular aspects or violations that would best advance their advocacy agenda.

One bold reform recommendation would be the development of a transversal mixed body that would have jurisdiction over the individual communications that concern the violations of multiple human rights and multiple or intersectional discrimination. The approach of the treaty body regarding these complex cases of violations would also be strengthened were the treaty bodies to have the opportunity to consult with other treaty body experts whose mandate would have incidence over the violations at stake, much to the example of what is being done on individual communications between multiple Special Procedures mandates. At national level, States Parties should develop platforms of coordination and consultation in order to ensure that the human rights implementation mechanisms and structures existing at national level are conform to the requirements of the principles of indivisibility, interdependence and substantive equality.

A stronger user's perspective should be integrated within the domestic mechanisms of implementation of human rights, including by establishing additional procedures for follow-up with regard to treaty body recommendations. This should also inform more firmly the individual communication system in order to take into account a richer dimension of the applicants' circumstances. Strengthening the enquiry capacity of the treaty bodies would also be beneficial.

The fact that all recommendations issued by the treaty bodies need to be adopted by consensus was noted as a requirement that may at times hinder the advancement of new approaches to address human rights violations. In this respect, it would be important to identify those points of contention whether they occur in the adoption of views or concluding observations, and to submit them for discussion during informal thematic meetings among the treaty body experts.

2.4. Development of working methods

The case studies considered in this project demonstrated that the analysis of intricate human rights violations requires that the mechanisms have both the substantive and formal capacity to take into account broader contextual elements. In this regard, it would be advisable, for example, to ensure that individual communications are dealt with by troikas of rapporteurs rather than by a single rapporteur. This could ensure an interdisciplinary approach, and it would allow for the consideration of a wider range of contextual elements relevant to the communication.

The composition of the treaty bodies, which suffers from imbalances from the point of view of representation of gender, expertise, legal systems, could be further improved not only by addressing those imbalances and developing more consistent criteria of selection of experts, but also by ensuring representation of more disciplines, both amongst the treaty body experts and in the supporting staff at the OHCHR.

The interdisciplinary approach and the richer contextualization of the treaty bodies' decisions and recommendations is also dependent upon close collaboration with civil society organizations willing to work in an interdisciplinary and intersectional manner.

3. Outputs

The symposium organized mid-April 2015 in Fribourg and Geneva played an important role in bringing together associated partners and elaborate first results. It included a public session discussing the expulsion of traveling people in France. A short film was produced shortly after the symposium and has been widely circulated. A bilingual version of the film is available on the website of the research.

Throughout the research, 2 workshops were organized with the associated experts (3 September 2013 and 19 September 2014) and with Special procedures mandates holders (17 September 2014); in the last weeks, 2 events of restitutions were also organized, one in Geneva (25 September 2015) and one in Fribourg (17 December 2015).

A series of working documents form the basis of the research, entitled « Intersections » (1 to 6, see list below). These documents are published on the website of the IIEDH.

One of the aims of the research was to produce recommendations especially focused on the UN Treaty monitoring system. These are presented in *Intersection 6*, and will be rearranged and further developed as we continue to engage with the UN Treaty Monitoring system about their possible implementation.

Intersection 0: Presentation and evolution of the research

Intersection 1: Synthetic research of used key terms

Intersection 2: Grounds of discrimination

Intersection 3: Intersectionality in the UN theory and praxis

3.1.: The UN Treaty monitoring bodies

3.2.: The Special Procedures (*to come*)

Intersection 4: Intersectionality in scientific literature

Intersection 5: Case studies methodology

Intersection 6: Measures and recommendations

The research also produced 8 case studies, published on their respective webpage on the website of the IIEDH, with links to complementary material.

The last weeks of the research have allowed for the development of a support for teaching on intersectionality, in the form of a presentation (ppt).

Finally, a series of articles from each of the team members has been submitted to the Equal Rights Review and should be published as a special focus in the next volume (March 2016).